

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
LUIS AURELIO MARTORELL CARDONA

CASE NO. 12-09064-MCF

CHAPTER 13

DEBTOR (S)

TRUSTEE'S MOTION TO DISMISS

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. Failure to cooperate with the trustee 11 U.S.C. §521(3): Debtor(s) has/have failed to comply with her/his/their duties pursuant to 11 U.S.C. § 521. Debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, omission that constitutes CAUSE for the dismissal of the case pursuant to 11 U.S.C. §1307(c)(9) and (10).

2. Failure to resolve or act upon issues identified at the meeting of creditors causing an unreasonable delay in the bankruptcy proceedings prejudicial to creditors, which constitute CAUSE for the dismissal of the case pursuant to 11 U.S.C. §1307(c)(1).

WHEREFORE the Trustee respectfully prays that this motion be granted and that an order dismissing this case be entered for cause pursuant to 11 U.S.C. §1307 (c) for the reasons herein set forth.

30 DAYS NOTICE: Pursuant to General Order No. 05-09, the Debtor(s), his/her/their counsel of record, and all those parties in interest who have filed a notice of appearance in this case, are hereby notified that unless a party in interest files an objection hereto within 30 days from the date of this notice, the case may be dismissed or converted without the need of further notice or hearing.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certified that a copy of this motion has been served on this same date, to their respective address of record to: Debtor(s), to their counsel and to all those parties in interest who have filed a notice of appearance by First Class Mail if not an ECFS register user.

In San Juan, Puerto Rico this Thursday, March 7, 2013.

/s/ Jose R. Carrion

JOSE R. CARRION  
CHAPTER 13 TRUSTEE  
P.O. Box 9023884,  
Old San Juan Station,  
San Juan, P.R. 00902-3884  
Tel (787) 977-3535  
FAX (787) 977-3550

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The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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PO BOX 9023884, OLD SAN JUAN STATION  
SAN JUAN, PR 00902

MARIA DE LOS ANGELES GONZALEZ, ESQ.  
US POST OFFICE & COURTHOUSE  
300 RECINTO SUR ST., SUITE 109  
OLD SAN JUAN, PR 00901

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ALMEIDA & DAVILA PSC\*  
PO BOX 191757  
SAN JUAN, PR 00919-1757

DEPARTMENT OF TREASURY  
PO BOX 9024140  
SAN JUAN, PR 00902

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UNEMPLOYMENT INSURANCE  
PUERTO RICO DEPT OF LABOR  
12 FLOOR 505 MUNOZ RIVERA AVE.

LUIS AURELIO MARTORELL CARDONA  
MANSIONES DE VILLANOVA  
1-19 CALLE BD  
SAN JUAN, PR 00926

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ADVANCED COLLECTION SERVICES, INC.-V  
PO BOX 364607  
San Juan, PR 00936-4607

ALLIED FINANCIAL  
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ALLIED FINANCIAL INC  
C/O SUSANA B CASTRO CINTRON  
128 FD ROOSEVELT AVE  
SAN JUAN, PR 00918

AMERICAN EXPRESS  
PO BOX 981540  
EL PASO, TX 79998-1540

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ASSET ACCEPTANCE LLC  
PO BOX 2036  
WARREN, MI 48090

BANCO BILBAO VIZCAYA  
C/O FRANCISCO J PORTUONDO DIAZ  
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BANCO BILBAO VIZCAYA ARGENTARIA  
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BANKRUPTCY DEPARTMENT  
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BANK OF AMERICA  
100 NORTH TRYON STREET  
CHARLOTTE, NC 28255

BAYVIEW LOAN SERVICING LLC  
TOTTI & RODRIGUEZ DIAZ LAW OFFICES  
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SAN JUAN, PR 00919-1732

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BAYVIEW LOAN SERVICING-V  
PO BOX 3042  
MILWAUKEE, WI 53201-3042

CITIBANK NA  
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MAIL STOP 322  
O FALLON, MO 63368-2440

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CPG GALERIA PASEOS , LP, S.S.  
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SAN JUAN, PR 00926

CPG GALERIAS PASEOS LP S E  
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100 GRAN BLVD PASEOS  
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CRIM  
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FERDINAN J RUANO  
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DE5-023-03-03  
NEWARK, DE 19713

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FIRST BANK  
BANKRUPTCY DIVISION  
PO BOX 9146  
SAN JUAN, PR 00908-0146

FIRST BANK OF PR  
PO BOX 9146  
SAN JUAN, PR 00908-0146

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FRANCISCO MARTINEZ CANAVANTE  
PO BOX 9350  
HUMACAO, PR 00792

INTERNAL REVENUE SERVICES  
PO BOX 7317  
PHILADELPHIA, PA 19101-7317

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INTERNAL REVENUE SERVICES  
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JOSE E BISBAL AMADEO  
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KENNY LORENZANA QUINONEZ  
PO BOX 51903  
TOA BAJA, PR 00950

MARINA PUERTO CHICO INC  
PO BOX 488  
PUERTO REAL, PR 00740-0488

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ORIENTAL BANK & TRUST / EUROBANK  
PO BOX 192099  
SAN JUAN, PR 00919

ORIENTAL BANK & TRUST SERV BAYVIEW LOAN SERVICE  
ATT CASHIERING  
4425 PONCE DE LEON BLVD  
CORAL GABLES, FL 33146

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PORTFOLIO INVESTMENTS II LLC  
C/O RECOVERY MANAGEMENT SYSTEMS CORP  
25 SE 2ND AVENUE SUITE 1120  
MIAMI, FL 33131-1605

RAUL J NOY ANCHIA  
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SAN JOSE BLDG ASSOCIATES  
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SELF EMPLOYEE  
, PR 00000

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VICENTE CALDERON RODRIGUEZ  
PO BOX 6157  
SAN JUAN, PR 00914

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DATED: March 07, 2013

Leslie V. Santiago

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OFFICE OF THE CHAPTER 13 TRUSTEE

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
LUIS AURELIO MARTORELL CARDONA

CASE NO. 12-09064-MCF

CHAPTER 13

DEBTOR (S)

AFFIDAVIT FOR DEFAULT JUDGEMENT  
PURSUANT TO SECTION 201(b) (4)  
OF THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003

I , Leslie V. Santiago , clerk for the Chapter 13 & 12 Trustee's Office,  
declare under penalty of perjury, the following:

That according to the enclosed certification, provided by the Department of  
Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or  
under call to active duty as a member(s) of the Army, Navy or Air Forces of the  
United States of America; the National Guard; the Public Health Service or the  
National Oceanic and Atmospheric Administration.

To certify the above statement I sign this affidavit,

In San Juan, Puerto Rico, March 07, 2013.

  
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Status Report  
Pursuant to Servicemembers Civil Relief Act

Last Name: MARTORELL - CARDONA

First Name: LUIS

Middle Name: AURELIO

Active Duty Status As Of: Mar-07-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

**Certificate ID: C2Z382F04053P30**